

United States District Court
District of Massachusetts

MELVIN JONES,
PLAINTIFF

vs.

CITY OF SPRINGFIELD, ET AL
DEFENDANTS

CIVIL ACTION NO.
3:10-cv-30244-MAP

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
AGAINST THE DEFENDANT JEFFREY M. ASHER
ON SO MUCH OF COUNT VII AS ALLEGES BATTERY AND SO MUCH OF
COUNT I AS ALLEGES A NON-WILLFUL DEPRIVATION OF
PLAINTIFF'S CONSTITUTIONAL RIGHTS
(LEAVE TO FILE GRANTED ON 3/5/12)

Now comes the plaintiff and moves this court to grant partial summary judgment in plaintiff's favor against Jeffrey Asher on so much of Count VII as alleges battery and so much of Count I as alleges a non-willful deprivation of his constitutional rights. The plaintiff says that the undisputed facts show that all necessary elements on these two aspects of counts in the complaint are undisputed, and accordingly, judgment should enter for the plaintiff and the matter should be set down for a hearing on damages. This motion is supported by the plaintiff's Statement of Undisputed Facts pursuant to L.R.56.1 and the Memorandum of Law filed contemporaneously herewith.

*DENIED, for the reasons stated in open court
on April 19, 2012.¹
Michael B. Powers USDT 4-20-12*